



Application Number: 09/853,253

11/18/2002

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In the Claims:

Please cancel claims 2, 4, 6, 8, and 10, without prejudice, as being drawn to a non-elected invention.

REMARKS

Entry of the above amendment is requested. With entry of this amendment, claims 1, 3, 5, 7, and 9, are now in the case. Claims 2, 4, 6, 8, and 10, have been canceled.

Applicants reserve the right to prosecute claims to cancelled subject matter in one or more continuing applications.

In addition to the restriction requirement, Applicants were required to elect one single polypeptide or polynucleotide, because the Office alleges that the polypeptides of SEQ ID NO:s 4-6, 9-11, 14-17, 20-22, 25 and 26 are patentably distinct due to having "different structures, functions, substrate specificities, and utilities." A similar statement is made with regard to the polynucleotide claims of Group II.

Applicants respectfully traverse this element of the restriction. Applicants believe that SEQ ID NO:s 4-6, 9-11, 14-17, 20-22, 25 and 26 of Group I are related because they represent fragments of a longer polypeptide. Similarly, the polynucleotides of Group I are related. Additionally, as is indicated in the specification, the polypeptide sequences of SEQ ID NO:s 5 and 6 are modifications of the polypeptide sequence of SEQ ID NO:4; the polypeptide sequences of SEQ ID NO:s 10 and 11 are modifications of the polypeptide sequence of SEQ ID NO:9; the polypeptide sequences of SEQ ID NO:s 15, 16, and 17 are modifications of the polypeptide sequence of SEQ ID NO:14; the polypeptide sequences of SEQ ID NO:s 21 and 22 are modifications of the polypeptide sequence of SEQ ID NO:20; and, the polypeptide sequences of SEQ ID NO:26 is a modification of the polypeptide sequence of SEQ ID NO:25. As such, they can be searched and examined simultaneously without placing undue burden on the Examiner. In these circumstances MPEP § 803 requires that the search and examination of an entire application be made, even though it may include claims to allegedly distinct or independent inventions. Therefore, reconsideration of the restriction requirement is respectfully requested.

In order to comply with the requirements of 37 CFR § 1.143, Applicants hereby provisionally elect SEQ ID NO:4.

If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6752.

Respectfully Submitted,



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Enclosures:

- Petition and Fee for Extension of Time (in duplicate)
- Amendment Fee Transmittal (in duplicate)
- Postcard